

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:07CR3001
)	
v.)	
)	
TERRY L. BALDWIN,)	MEMORANDUM
)	AND ORDER
Defendant.)	

This is a very serious child pornography case. The defendant has entered a guilty plea and signed a plea agreement. The presentence report has been completed. After I accepted the guilty plea, the defendant submitted a letter, pro se, which I construed to be a motion to withdraw the guilty plea. ([Filing 60.](#))

On May 30, 2008, I held a hearing where the defendant, his counsel, Carlos Monzon, and counsel for the government, Steve Russell, were present. Because of statements contained in his letter and because the plea agreement, which I had not yet accepted, called for a 300-month prison sentence under Rule 11(c)(1)(C), I told the defendant that I would allow him to withdraw his guilty plea. The defendant vacillated, and Mr. Monzon suggested that I appoint standby counsel to advise Mr. Baldwin whether he should withdraw his guilty plea and related plea agreement. Counsel for the government did not object. I explained the role of standby counsel to the defendant. After that explanation, the defendant requested the appointment of standby counsel before he decided whether he wished to withdraw his guilty plea. Therefore,

IT IS ORDERED that:

1. Robert B. Creager, 1630 K Street, Lincoln, Nebraska, is hereby appointed as standby counsel to advise Mr. Baldwin about whether he should withdraw his guilty

plea and related plea agreement. The Federal Public Defender shall provide standby counsel with a CJA voucher. Standby counsel shall promptly enter an appearance.

2. Standby counsel shall investigate this matter, and advise Mr. Baldwin accordingly. Mr. Monzon and Mr. Russell shall fully cooperate with standby counsel and provide such information as is reasonably requested by standby counsel. My chambers shall mail to standby counsel a copy of the defendant's letter ([filing 60](#)), a copy of the plea agreement ([filing 54](#)), a copy of the presentence investigation report, and a copy of the sentencing recommendation.

3. On June 27, 2008, at 12:00 noon, standby counsel, Mr. Monzon, Mr. Russell and the defendant shall appear before me. At that time, Mr. Baldwin will again be given the opportunity to withdraw his guilty plea and plea agreement. Standby counsel should be prepared to advise the court of any non-privileged matters that standby counsel believes will document and assure that the defendant's rights have been fully protected.

4. If the defendant withdraws his guilty plea, it is not the present intention of the court to appoint standby counsel as trial counsel.

5. Copies of this memorandum and order shall be delivered to counsel of record, standby counsel, Mr. Baldwin and the Federal Public Defender.

May 30, 2008.

BY THE COURT:

s/Richard G. Kopf
United States District Judge